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"ENSURING AN INCLUSIVE AND SUSTAINABLE DEVELOPMENT IN ASIA PACIFIC:
A REGIONAL AGENDA FOR INTERNET GOVERNANCE"

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THE WHOLE TRUTH: BRINGING ECONOMICS, SOCIAL AND CULTURAL RIGHTS
INTO PERSPECTIVE

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>> GAYATRI KHANDHADAI: Hi. Thank you. We should start. We are pretty much on time and that's great. Welcome back to the session. I'm Gayatri Khandhadai. This is a rather short session. And we will be trying to look at this question of the whole truth, no, bringing economic, social, and cultural rights back into perspective when we discuss ICT and its impact on people.

I will keep this very brief and we will have brief interventions from a really great panel we have. Just to set the tone for this discussion, economic, social, cultural rights don't often get the same attention as the political rights even the discourse on them is not necessarily as evolved as the discourse on the evolution of the civil and the political rights, but the fact remains that the

economic, social and cultural rights oftentimes have a deeper impact on our lives and our ability to live to the best of our abilities, really, no?

So what we thought is, of course, we will not be able to discuss all economic, social and cultural rights. So we can -- we can take questions from you or look at rights that you point out as well, but the panel will look at some specific topics.

I would like to introduce the panel, we have Sunil Abraham work is the executive director for the center for Internet and society. And we have the program specialist from UNESCO. We have sow a.m.a man that and Chat Garcia would is the executive director of the Association for Progressive Communications.

Just to preface this entire discussion, we have this publication called the global Information Society, which looks at economic, social and cultural rights on the Internet. It has 47 country reports from across the globe, and 10 thematic reports which are quite revealing about the impact that the Internet has had on economic, social, cultural rights and the impact of social and cultural rights has had on the Internet, no?

The preface for all of this, is, of course, that the Internet is a social, cultural right, which is access to science and technology and cultural development.

We will go first to Sunil who will be discussing the impact of copyright and more broadly intellectual property regimes on economic, social, and cultural rights. Yeah.

>> SUNIL ABRAHAM: Okay. Thanks for having me, Gayatri, and before I get started, it's always good to know who are the stakeholders at a multistakeholder meeting. So my question is: All of us produce intellectual property. If you are sitting in a restaurant and we scribble a poem on a piece of napkin, that is protected by copyright law, as long as we publish it. That means we give it to somebody else.

But when it comes to the rent from intellectual property, who in this room earns more rent from the intellectual property that they own than they pay?

That means all of us pay for software, for books, for movie, for music, for our TV subscriptions but who in this room has so much intellectual property that the amount you are earning from your intellectual property is more than the amount you are paying for intellectual property?

Is there anybody like that? Please raise your hand.

Okay. So all of you are the exploited lot in the intellectual property regime. You are the rent payers, and the people that you pay rent to, they are not in this room. Those stakeholders don't come to the IGF anymore because the IGF is no longer inned in IP

enforcement. So therefore, they stop -- oh, they still come? At least they are not in this room, yeah?

Do you earn more from intellectual property that you own than you pay?

(Off microphone comment).

>> SUNIL ABRAHAM: Okay. Thank you. Now we move on. Because of the way the intellectual property regime has been configured, many alternatives have risen. First and most important alternative that rose more than 30 years ago is the free software movement, which turns the concept of intellectual property on its head, and those of us who use the Internet know that free software is the foundational basis of the Internet as we know it today.

And we also have more radical proposals across the world in different countries, pirate parties have come to power and some of the pirate parties say they want to shrink copyright from 60 years to five years and there are lots of proposals like that being made today.

So how do intellectual property and the alternatives such as free software impact our economic, cultural and social rights? That's the economic, social and cultural rights. I should get the record right.

So the first way it impacts us is Article number 1, and that is the right to self-determination. So if you want to be truly sovereign on your device, whether it's your mobile phone or your laptop, if you want to be absolutely sure that nobody else is playing around with your data, then you have to use free software today.

Suppose you are from Bhutan, and telling your story and Microsoft has decided not to support your language. The only way to experience cultural sovereignty is using free software and protect your cultural sovereignty through free software.

If you are a disabled person and if you were in India and you want to use technology, you would have to use a screen reader. The proprietary screen reader costs \$1,000 per license and supports two languages and only one is an Indian language. And the community of Indian impaired persons okay. Together, modified an existing free software application, and made it speak 12 Indic languages.

The second manner in which it affects us, the right to education, the Article 13 in the international covenant on economic, social and cultural rights, and this is the right to education. If as a nation state you don't give choice or you don't allow young people to study free software in universities and colleges, then really as a nation state, all you are is a salesperson for a proprietary software company and you are building a lifelong habit which these students will never be able to kick because necessity are only comfortable using proprietary software. So they will remain rent

payers.

And the next important is the Article 6, the right to work. Mobility in the labor market. Increasingly if you join certain corporations, you will be taught only one technology, and you have no exposure to other technologies. You are signed into MDAs and confidentiality agreements. You cannot tell the world what you achieved but if you join a firm that's based on free software, a lot of your contributions will be available on public repositories and your ability in the labor market is protected.

And finally, Article 15, there's a bit of a balancing act in Article 15 and now quickly read it. The right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and the applications and the protection of author from moral and material interest resulting from any scientific stakeholder production.

So on one hand, what this article is trying to do is ensure that there are incentives for creators and innovators and on the other hand, it's also trying to ensure that the flukes of such creativity and innovation are broadly available to society. And while the article doesn't make it absolutely clear that you must have an IP regime, and that you must enforce it or that's only way to protect moral and material interests, that could be, of course, one way to do it. What it makes very clear for us is while you keep that part of the bargain, you should also ensure that everyone -- everyone has the right to partake in cultural lives and benefits of scientific progress.

So this is only possible if there are a wide set of exceptions and limitations, fair dealing exceptions or fair use exceptions in your IP regime and that the state adequately promotes the alternatives to the dominant IP paradigm which is free software.

Thank you so much.

>> GAYATRI KHANDHADAI: Thank you. That's perfect.

Sunil wrote a chapter in this report about traditional knowledge and the protection of traditional knowledge, and the person who wrote with Sunil is here. So I think they would be happy to take it once we are through with the speakers.

Sunil has already touched upon this point on mobility but you wrote a very interesting article yesterday on live net given the future of jobs and playing its full its hand. So it would be great to hear from you on what you feel about that.

>> Okay. So one is that I don't know if I'm the right person to talk, but since it -- the word says cultural and social and talks about the society, I have a few comments to make. Before I comment on the article that you said, and there are a few thoughts that I had and I thought that maybe interesting to share.

You know, there's an observation that most of the countries and most of the places, languages have been dying. And most of those languages are dying which are actually spoken in oral and they don't have a script. You know, gradually, that is what we see.

And technological evolution is, I would say is one of the reasons that most of the languages have been dying. If writing is also pen and paper as a technology, then most of the languages which didn't have a script to read and write started dying.

And from that perspective, what technology is coming up, is quite helpful that most of the oral languages is now there to capture the oral tradition, and therefore, it is very, very important that we look at technology, as becoming very, very instrumental, viable means to protect those oral languages and all of that.

The second example I was meeting this person in the deserts of Rajasthan. This person remembered 450 songs and he doesn't know how to read and write. 450. Even your hard disk will not take that much in mobile to remember 450 songs. He literally has been singing and folk musician, and we thought that gradually, if you start writing, since he doesn't know how to read and write, the only way that you can perhaps protect, if at all -- I mean I'm not talking about copyright law perspective, but typically just to grab those knowledge and that information that oral is the only medium that technology is now, which is oral.

Earlier it was not even possible because if you don't know how to read and write, you don't know. It's been oral traditional that has been coming. But the third thing is about what you are talking gradually technological evolution is making us to understand how we are going into the future to protect the culture, the language, the tradition, the socioeconomic formulas and also go with the technology.

But we don't have a mechanism or a proper curriculum system to, you know, prepare us for the future. We don't even know the future.

All the people who work in religious, we work in about 350 villages. All the people who live they don't know how to process the information. They haven't been taught. All the information today we process require gadgets, requires some type-tech thing to progress. And even to retrieve the information, you have so many barriers.

So, you know, I would just like to say that how do we tackle this situation of handling information, now and in the future, and how we are creating jobs around it is a big question that we need to know. Do we have a proper curriculum system? Can we create a job of how do we process the knowledge? Can we create among the university, we are still studying engineering and medical and physics and chemistries and all of that. Our subjects have been -- our

practices have been changing, our subjects have not been changing. Our culture of practicing of all the oral system is no, sir the changing.

How do we tackle this entire burden of how do we tackle information, tackle information in the sense that it is becoming -- the knowledge is becoming data? How do you know how to process data? A normal person in this school, in the colleges, we are never taught how to process the data, how to feed the data, how it read the data, how to decipher a data.

So I would say that whole cultural issue has been changing. You know, it's no more an issue of what do we eat and what do we drink as a part of the culture and what do we revere but the whole culture of how do we process the information. And is there a system that we know how to tackle the information is the question that we need to ask.

>> GAYATRI KHANDHADAI: Thanks. Just to add to your concerns about the particular concerns. One of the particular issues we talked about yesterday is the application of labor law protection to online spaces, no?

The fact that labor law protections have become extremely eroded given that people are now moving more to online spaces to work and the protections they might have had, even the minimal protections many offline spaces is now pretty much becoming invisible for them. That's very interesting and varying trend to look at.

We move from that view, to get more like a broad picture, no, in terms of what civil society has been trying to do with economic, social, and cultural rights, but more specifically, your experience with it, but also do you -- do you feel like there's not enough attention given to social, cultural rights and why?

>> CHAT GARCIA: Thanks, I will answer that in relation to the work around Internet, yeah and policy making or -- or frameworks around the Internet.

And I would say this is precisely why in 2014 we decided in APC to look at social and cultural rights and to look more deeply into it and do research around it, in terms of framing Internet and development. Human rights and development.

For the longest time, a lot of attention was around civil and political rights. Right to privacy, freedom of expression, et cetera. And a lot of basis is also driven by issues that is -- there's a sort of divide in relation to what is happening in developing countries and in developing issues. So this issue around freedom of expression is much more felt. At that time, in the north, and not necessarily in developing countries, but, of course, now that's changing as well. So I think that was sort of a natural progression in terms of looking at civil and political rights.

But then if you remember, those of you who have been in this feel for a long time, there was all the discussion around ICT and development. You know, way back in, what, 2005, et cetera, that was the discourse around ICT for development. But a lot of that is really using ICT for looking at access, looking at ICT as tools, getting young people, getting women on board in relation to using the technology, but not really from a very holistic development and human rights perspective. So I think this is where the work around economic, social and cultural rights come from. There was a gap. We saw a gap there.

And a lot of these are -- I think the gaps are in different ways, no, in different -- expressed, one in a conceptual gap, because there really are two conventions, one on civil and political rights and the other one is economic, cultural and social rights and sort of there's a divide there. APC has been working around, for example -- our experience has shown us that if you engage the Human Rights Council, for example, around civil and political rights, freedom of expression is an example, you do get more traction, and that's -- we saw that in 2012, when the HRC started to say, okay, you know, freedom of expression online is important.

But when you go to the other side of it, the committee that looks at economic, cultural and social rights, there's very little discussion around the Internet, and how -- how does this impact? How does the development of the Internet impact on our rights? So this is really where we are going in terms of looking at, let's say, the right to work and how as you are saying -- I know how is labor changing?

What are our -- how does it impact on our rights or our organizing, on our unionizing, if it's changing the labor patterns. Is it something we can look into? There was artificial intelligence and what that means in relation to rights, no? So all of this, if we look at it from a perspective as far as more of collective rights, that's -- that's where we need to have much more research, and I think we need to engage more organizations who have actually been working in this -- on economic, social, cultural rights for a long time. I mean, indigenous people organizations have been -- you know, they have managed to set up indigenous, permanent commission, indigenous people, and they are interested in these issues, but we need to engage their issues so that -- you know, so that they are then looking at connecting with them, networking with them so they can then be part of a discussion.

I think they bring a lot of their discussions, and it will enrich our discussion in the same way that the issues around disabilities and accessibility enriches the discussion here and that's also part of the SCR. Here in this forum, I don't think we have anyone -- I

haven't seen anyone -- no, maybe there is, from the indigenous people groups, for example. There is a gap here that we are seeing and I think that is quite an important point.

So conceptual gap, who are the people would need to -- do we engage with, whether organizations and also the international platforms or processes that we need to then reach out to.

>> GAYATRI KHANDHADAI: Thank you, Chat. Just picking up from that point of the processes that we need to engage with, we have the -- the sort of mix, no, of what platforms to use, what institutions to work with, but one particular institution that can definitely leap this or help organizations work with them, to do this UNESCO, right? So what is really interesting to hear is how UNESCO uses this insect but also briefly what UNESCO has been doing and prioritizing for now.

>> Thank you so much Gayatri, and APC for inviting UNESCO for such an important session. It seems this broader socio and economic rights are not so much highlighted in the Internet conferences and discussions.

I think it's really high time to reflect on this. As in this morning, the moderator has raised a valid questioning to think about the broader implications of the Internet as an entirety.

In the past 50 years, we have seen the Internet changing, but now it seems just the beginning of the change, because of technology is really going so fast and much more faster than before, to shaping the Internet Society. It's restructuring the traditional economy, the traditional banks, I mean, the transportation and everything. I mean, it's Internet ties.

And we are not ready, actually, even, I mean, artificial intelligence, I mean, they are -- you see it causing so much labor and layoffs. So in this larger context, we find this subject to pertinent. Why it's UN, level, not only UNESCO, but in the post 2015 process of following and implementing what some of the Information Society, I mean as a very recent summit is in June, in Geneva, last month, the topic is to combine the ICT and the achievement of a sustainable development goals.

I mean, in the 17 SDGs, we see the Internet as a dragon force as a cross cutting tool for every state to use to achieve all of the goals.

In a previous session, I mean, they raised a question. I think the information was not so much featured in the SDGs but actually, it is -- I think it's really impacting every goals, I mean, at a very, important, crucial tool in reaching there, particularly in the target, the SDG number 17, it fosters and has fundamental freedom. I think it is there.

And come back to what UNESCO is doing. I would like to share our

views about the broader commission of socioeconomic rights and the relation with the civil and political rights. I mean, yes, it's true that in the past ten years we have observed that free expression, privacy and data protection are much more debated at a global level and the regional levels. And now it's time to take really a holistic view to combine these two domains.

They are by nature, interdependent. They are by nature, indivisible from our point of view. You see they support each other. Any free speech can be protected without access and without the development of the economic and the social rights. And not to mention the culture as many mentioned in the Internet, there's such a gap of language script, and the majority of the language are going extinct, notch to mention in the space.

As an indigenous people, how at access can be benefited from the Internet as all of these big gaps. So we are developing very useful framework and also tools to help each state to measure the universality in the name of Internet universality. By this framework, we are advocating four basic and fundamental norms. I mean, each state can use to measure the Internet policies.

The first one is the rights based one. We are promoting free expression and those civil and political rights. We are promoting the right to education. We are supporting education worldwide and using ICT for education. We are promoting cultural diversity, language diversity. We have so many conventions, declarations, protecting the cultural heritage and digital heritage, archives, et cetera.

And that's the first opinion of how we interpret it, how we intend to go rights based and broader and defend other rights because now the Internet is so central so society. It is society. And the second pillar, norm principle we are talking about, openness.

Again, it also addresses the economic aspects because we think that the Internet needs to be open as an industry. We believe a very competitive open industry, and the market of Internet will be very important to support all of these rights advancements.

Again, also openness about the -- about the technology standards, about the open source, and lastly, you can also think about the international level, that we should -- we are all global citizens. We don't want the Internet to be divided to go fragmented by the national initiatives. I think everyone can benefit from communicating with the world, rather than only one country or one region.

And the third pillar is about accessibility. When we talk about accessibility, it really combines the content and the culture and also with the user capacity with literacy, et cetera. It's, again, connected closely with all the social, economic and cultural rights.

And first pillar, I would like to present as maybe a way forward. I mean, to manage such tremendous challenges and broad domains of all of those related rights, we believe it's a moment to promote very inclusive participation, governance model, I think as has been mentioned, it's multistakeholder model.

We believe that it's the same and so important to get all stakeholders on board. Traditional ways that, I mean, at the beginning of WSIS, was that multistakeholderism means government, private sectors, the technical community, intermediaries and civil society should all be involved at the national level. Now we see that's not sufficient. We need to have social, inclusive aspect.

Now all the social, economic status people, the marginalized groups, the women and girls and the indigenous groups and the people with disabilities, they should contribute when you discuss Internet policy, because it's concerning all of their rights and interests. And, again, at the international level and I think -- I think the chatter has nicely put the discourse between the north and the south. I have been to so many global forum. We still see the gap between the north and the south in terms of discussion of Internet policy because the global network, and the developing countries, it will be equally active, and it's not decided in terms of the global issues because of the Internet. So I stop here and I wish to turn it over.

>> GAYATRI KHANDHADAI: We are bang on time. This panel has been really good with their time.

What we could do, there are a couple more questions to explore, but let's stop here and have some feedback or any pressing questions you have. It doesn't have to be pressing. Any questions you have even, no? Comments or if there's any particular kind of right that falls -- that broadly falls within the economic, social, and cultural rights that you think is not getting the kind of attention it does -- it should, then would you please raise it?

You don't have to necessarily go back to the mics if you choose to sit where you are, and raise your comment or question, that's fine. Just -- we just have to repeat the question.

Yes, if that's the case, we just repeat the question here so for the transcript as to catch it.

Yeah?

(off microphone comment).

>> You will have to go to the mic.

>> Yes, there's a mic over there.

>> PARTICIPANT: My question sort of follows on from what Chat was saying that civil and political rights end up get NGO traction than economic, social and cultural rights.

I was thinking one of the main differences between the governance facility and the political rights and the governance of social, and

cultural rights is the CCPR is binding on states where the ESCR is not binding on the states. What the ESCR looks for best efforts enforcement. They don't look for commitment. What they look for states for is they committed to an effort to enforce these rights, but they don't look at the outcomes themselves.

So I guess my question is: Is it ever possible to look to states, to treat cultural economic and social rights at the same level as civil and political rights? Is it possible to build that traction at all?

>> GAYATRI KHANDHADAI: Thanks, thanks, Gita.

Would you like to take that question?

>> It's a very hard question to answer. You know, at the international level, to reach a treaty, it's a super, super difficult and challenging. I mean, if that's the direction, civil society perceive, I mean everything can be possible and when it's related to the Internet, it can be more -- more tricky, because, I mean, imagine that different statements have different level development in different social context and perceive a different need, different priorities on their national Development Agenda.

So I think it's an open question, really. I mean, again, it's really up to the multistakeholderism participation, because now even the UN may also open up like the human rights commission. They are organizing so many public hearing and consultations. I mean, at UNESCO, we are also taking civil society and always we are consulting with all stakeholders, even here at this forum, we are doing a consultation event to inform us how to develop an Internet indicator, on a Saturday lunchtime.

If you think there's a need, we should do a treaty, then we can come back to our states. We are working with our members and we come back and it seems that there is a call that's needed to consider this possibility.

Then I think maybe things can move.

>> GAYATRI KHANDHADAI: So that will be tomorrow at lunch break, right? So please be there.

So we have a person in the back. Yeah?

>> PARTICIPANT: Thank you very much. My name is Bashker. I'm from Bangladesh. I would like to ask a question of Suma. I know you very well, because my organization has received at least two awards. Thank you.

So my observation, you know, the copyright law of our region is the biggest barrier for persons with disabilities to access content and books. And we found, like, at least only very less number of the books are accessible, because of the copyright ball. We are an organization that are making accessible books, they are not able to make the books in accessible format. There's an international

treaty adopted by the WIPO called the Marrakesh Treaty, in which if ratified the Marrakesh Treaty, it would be easier to exchange accessible books. If there were any accessible books in India, then we could take it into Bangladesh.

Through the Marrakesh Treaty, we need to review our copyright view and there should be a copyright exception in our copyright law and then any books can be made in an accessible format. Able these types of discussions can ensure all rights of people with disabilities and ensure article -- SDG Article 4 implementation.

And lastly, I would like to say when I was a student in college, university, and a school I didn't get a single book in accessible format, and today it is a digital world. We cannot accept it. Thank you.

>> So, actually, that was a good comment, not a question. So I didn't -- but two things I want to highlight and one I would pass on to Sunil to reply in terms of copyright issues in terms of how we can have maximum access in an oral manner so that all kinds of people can access the content that is not available copyright-wise.

Secondly, I would like to highlight that the digital medium also allows you to create new content and that can be openly made and made it available so we don't have to really depend on written medium to be transformed but also every person can create new content and the new content can be spread. So open content also has become quite a culture which can be seen as repository of access.

But I would also like to know personally in terms of how do we get access to millions of repository which is coming from written to oral, and, you know, how come we can suffer barrier because of copyright issues or many other issues?

>> SUNIL ABRAHAM: Thank you, and thanks to the gentlemen who asked the question. I think it's time for us to be very aggressive when it comes to the ask at the national level. I don't think we should settle for the standard that has been established in the Marrakesh Treaty. The Marrakesh Treaty is both work-specific and disability-specific. It is work specific in the sense that it only applies to books, and it is disability specific because it only applies to the print impaired or visually impaired.

In India, the exception that was introduced into our copyright act before the Marrakesh Treaty was both works neutral and disability neutral. So it didn't matter what type of disability you had, and it didn't matter what the form of the copyrighted work was, you still had the right to make an accessible version of the work, use it yourself without paying royalty and also share it with others without paying royalty.

The question that you asked about how to ensure this greater flow

and exchange of these repository is the gentlemen already answered that, which is the ratification -- the ratification of the treaty is the key piece there.

But there's also other emerging challenges. So even if we get good copyright law, with the appropriate exceptions, at the W3C, they are working on certain standards like the EME, it's a DRM standard. And this DRM standard is supposed to protect the rights of rights holders but what it actually does in reality is prevent the disabled from accessing content again.

So it's not as if the disabled have their life easy at all.

It should not be something that we leave just to the disabled because all of us are only temporarily able. We have to have a double fortune. We have to die early and quickly. So you have to leave the APRIGF and when you are crossing the road, a bus should come and run over you. And then when you die, you will escape disability. But if you are not in that 5% of lucky people that escape disability, and die without experiencing disability, you will be disabled for some period of your lifetime. And, therefore, if you don't show empathy for their cause and if you don't support their cause wholeheartedly today, you will regret it on your death bed.

>> GAYATRI KHANDHADAI: Okay. Thank you. Any other questions? Okay. So let's move on to the other cross-cutting issue that I kind of want to also place on the table, right? The many experts here work on gender rights and the impact on gender, especially when it comes to ICTs. Is there any reflection in the room about how the economic, social and cultural rights of women and gender groups are impacted as a result of ICTs?

Chat, I would like to kick start the discussion?

>> CHAT GARCIA: Yeah. I think when we say cultural, it's not just about language. It's not about -- it's really about how people organize and identify themselves. So I do think that, for example, groups like the LGBT community who -- you know, it's also important in relation to how they practice their sexuality, et cetera. I mean, that we could look at in not only relation to civil and political rights but also on cultural rights.

I think for women as well, all the issues at discrimination, we can look at -- as well as discrimination in terms of access, for example, because they are supposed to have roles that are -- there are a lot more buyers. And a lot of things that come up, APC, at the last IGF, the Best Practice Forum looks at buyers for women and girls in terms of access to the Internet.

And really a lot of the buyers have to do with affordability, et cetera, it's around traditional roles, around discrimination, et cetera. So I think in that sense, I mean, those are impacted by the economic and cultural rights or social rights.

>> GAYATRI KHANDHADAI: Another right is also the right to help, no? The fact that the Internet empowers women to have access to sexual and reproductive health information that's otherwise not traditionally available for them.

And UNESCO does quite a bit of work across gender, right?

>> Yes, thank you. Absolutely. Thank you for raising this crucial aspect. While UNESCO is an organization promoting gender equality as its global priority for ages it should be really mainstream to every layer about the discussion of the Internet. Very recently and just in June, we had organized consultation on protecting journalists. And interestingly, one major recommendation is really to protect a woman journalists. In the digital environment, it seems that women and actors are more vulnerable and more attacked. They are facing more risks as a woman, as a journalist. I mean, that's why we are working further to do more research and to support more activity to really protect a woman in the digital age and in journalism.

And also, secondly, I think that if we look at broadly the changes of Internet in the future, I mean, the woman, the girls, they are the -- they are social group, which are majority. I mean when you talk about digital divides, you cannot ignore the gender divide. I mean, it continues to exist. So prominently now to connect and majority of them, they are women and girls. So that's US evidence that they wish not no forget and ignore when we discuss the Internet issues.

And then lastly, I think we should go beyond the women and girls issues, and talk about gender. Now it's about gender equality when you think about the LGBT things. Some of the new gender specifics. So more and more and, I think there's new term that's called gender-free. Maybe that's any term, a new culture that we also need to promote through this Internet Governance Forum. Thank you.

>> GAYATRI KHANDHADAI: Thank you. Are there any other questions from the -- yeah?

You have to be really loud or walk back.

>> PARTICIPANT: Thank you. My name is Luis from Malaysia. My question is: I think one of the reasons perhaps is the SCI is not so widely discussed at least in the Asian perspective, maybe we don't have protective rights and a lot -- they have been put in jail and we have no right on what the government was doing. Maybe my understanding is one reason why NGOs are not fighting for economic, social and cultural rights because the basic rights of expression is not even guaranteed yet.

My question is are, we in Asian nations, should we be fighting for ESCR or should we start with political rights or is it that it

is complimentary that if we do economic, social, cultural rights, that they are filled and more -- they are stronger in fighting for freedom of expression and assembly, thank you.

>> GAYATRI KHANDHADAI: Thank you. It's a really important question. Chat, would you like to take that one?

>> CHAT GARCIA: I think you answered your question to some extent, right? I think it's their point. You can't say one issue over the other. A lot of other people have said already in different forums here that one impacts the other.

So for example, you talk about right to information, but then if you don't have access, you know, I mean, that -- that is a prerequisite to the right for information to digital information. So, again, that's -- that's important.

I think the whole point is around how you frame it, and what -- what is useful, what has been useful is to frame it from a rights-based perspective this is a right that we -- you know don't look at it as a market driven, for example.

You know, the -- you were talking about women and the drive to connect the 200 million women who are not connected to the -- you know, don't have mobiles. That's a really market driven agenda in my view.

Yes, you have phones, et cetera, but what does that do? Does that actually look at strengthening the rights of women in relation to their right to work, the right to, you know, to equal pay. It doesn't really. So you have to look at what the access is for, to some extent. So I think that that's how I look at it.

I think the Asian context, there are some processes that can be -- we can access, I think it's hard. It's not easy to sort of engage some of this regional or subregional, I should say platforms and processes because they tend to hike -- I think the governments tend to speak together and not -- you know, they are very protective ASEAN, for sure, are very -- the governments are very protective -- protective of bringing in a lot of, you know, challenge in relation to, for example, setting standards around rights in the subregion.

But it is a -- I think these spaces we can still -- are still important for us. In some region, in our experience, we had some success. For example, recently the African declaration on the human rights and the Internet which has opened up space around the advocacy. There's also the inter-American community, that's happened. So there's some models, I think that we can look at.

Can I just respond to the question of Gayatri earlier? I think while the ESCR may not be enforceable, we see these as a strategy, and a process that you engage. I think it's not -- yes, in the end it's the government saying international organizations,

realizing -- or it takes traction in that space but it's also those organizations engage in that space. So whether they are civil society organizations, who we may not be reaching, who may not understand why we need to include in their advocacies of the Internet. For them, that's always been a strategy that we had in APC.

For example, one of the things we do is we really reach out to the women's movement. They are really very powerful movement. So that they understand that the Internet is their agenda. And we have been successful, I think in that it took a lot of years but it's a strategy where you -- where we -- which you actually interact, no, with other movements that are strong and powerful and actually -- we actually have strength in terms of our advocacy. If we take up those issues then you are halfway there, I think.

>> GAYATRI KHANDHADAI: Thanks, chat. I would like to keep the question open. Left's take one more and then --

(Off microphone comment).

>> PARTICIPANT: So, for instance, we have an app called start-up India app which is for entrepreneurs but the app is only available in English and Hindi and no other regional language and that information is not available offline.

Of course, the vast majority of the country doesn't have access to that information. And similarly during demonetization, when they were using digital currency, the people who were really affected were the smaller shopkeepers and the smaller business owners who did not know how to use the technology. Not only did they not have access, they were forced to use a technology that actually put them at risk because they were actually transacting online. How do you maintain this balance? Because as much as it is important to push for, you know, enabling these rights online, sometimes it can really push people further back on the road to development because they don't have access or they don't have necessary information to use the technology correctly.

>> GAYATRI KHANDHADAI: Sunil, that's definitely a question for you, further marginalizing people would should be helping with ICTs?

>> SUNIL ABRAHAM: Well, fortunately they have all disconnected so there's a lot of chance that we work together to bring them in and so in India, it's more than 70% do not have access.

We were wondering with one of the community that we work with, who have digitized 50,000 designed, in one cluster itself, and every other day somebody comes to access those designs we just don't know whether to give or not to give.

And the copyright issues and the laws and what they have done, they have gone to different kinds of historical buildings and sane photographs and gone into a store design and we have no idea how to work with.

Similarly, there's lots of knowledge and wisdom that lies into the local people. So, you know, especially into the Asian countries and mostly unconnected countries, the challenge is going to be more and more. And therefore the social, cultural, linguistic, all of those challenges will be more and more, the more we get connected, the more the data and the communication and the network and on the network that we are going to get emerged.

So even I don't have an answer but I have one very strong faith that they are going to be more and more inclusive, the more and more content is going to be contributed to them. At the moment they are more recipient of the content but they are be more contributing to the content and therefore we will have more diverse culture. We have more inclusion. The entire oral community is no more going to be, you know, illiterate. For example, it's ironic to say that everybody who put a thumb is called illiterate, but now you put your thumb to open your mobile.

(Chuckles).

And you are called most hyper, you know, technology-enabled human being. So the technology has reached to the level of, you know -- you know, irony of exclusion to have the most inclusive.

And therefore, I see that there is a lot of, lot of, you know, opportunity that is going to come where technology is going to enable more and more people.

>> GAYATRI KHANDHADAI: Thanks. Perhaps one other question to also think about is whether we need to be pushing for access as a right now, rather than merely as an enabling aspect, is that perhaps a question then that we move from access as -- as an enabler to a right because it obviously seems to have a domino effect on a whole series of rights, no?

Before I take any more questions, I kind of wanted to open one more round of quick comments from the panelists. Given that we had this discussion on economic, social and cultural rights and look at a very specific question like APrIGF. So what could be done at the APrIGF, especially a multistakeholder space like the APrIGF to put this on the agenda.

The second question I wanted to ask you, is the problem that civil society is talking about ESCRs as one clumped up right or -- so civil society's mistake, or it's the result that they are not looking them as a smaller group of rights? Sunil, do you want to take it first?

>> SUNIL ABRAHAM: Yes. So to answer your second question first, I think the clumping up ever strategy, may not work because it's been very hard for policymakers to understand what they are saying. There are current policies and open. So the Marrakesh Treaty is still being ratified by many countries and there's an opportunity to ask governments to update their copyright law. And I think

unfortunately the percentage of disabled persons at this meeting is low. There's only one or two people in perhaps this room.

So it's something that we have to act much more as a community and so it can't just be their problem. So we have to look at some low-hanging fruits. When the gentlemen asked the question about do we have political rights first and then have the other rights? The advantage that ESCRs is that they are less controversial. So if you go to governments and say protect the rights of the disabled using these. It might help us have a working relationship with government. I'm not saying we should give up compensation, but it's a common cause area.

(Microphone feedback).

>> Coming from the region. Yes, when we talk about the modernistic, we are expecting participation from the stakeholders. So maybe we are expecting to see more participation from governments and more from the private sector and technical communities, et cetera. But, still, I think it's crucial to -- to guarantee the issue per active civil society to strengthen the civil society, I mean in any case. Yes, the push for treaty. You could ask for a law. But if you don't have a strong civil society, right there, you cannot implement it. The enforcement cannot be in the right way.

That's I didn't think that the Asian Pacific forum is very important to network the communities and also to strengthen the civil society here to discuss all of these cross cutting issues and for example, the gender issues. I would like to comment more. It's a very -- the discrimination against the women, it's one of the most profound inequality of human society. And why? I mean, the Internet, we should even more highlight it or equal it. That's because the Internet as was said, it didn't automatically balance the rights without the human interventions. The Internet is even wider. That's why you promote the freedom of expression, even in the environments, it's limited. You see women and girls more impacted and more influenced to the risks.

I heard yesterday from a session, that they are resourcing, Asian Pacific, they are influenced by the surveillance.

Women journalists, women are more at risk in their life to the same word, the same job, the same profession. So I think it's not just a political correctness and not just cosmetic at all, it's here in had region. I mean, the agenda is real issue. That's why we are developing indicators.

All aspects, including the agenda, even in the least developing region, I mean, gender should be equality considered, as an index to show how equal the access is, how committed the Internet is benefiting everyone.

>> GAYATRI KHANDHADAI: Thank you. This will also have to be our

concluding remarks round as well because we are out of time.

>> You both missed the chance, I guess.

(Laughter).

>> GAYATRI KHANDHADAI: Okay.

>> So I just want to say two sentences. One is that if you look at the whole room here, we all look similar, you know, technologically, cultured people or whatever, but what we need in this room are technologically challenged people, but cultural diverse people. We should have somebody, you know, coming inside, singing a song and somebody dancing, coming inside and somebody having 10, 20 books written on culture and tradition and all of that and being a part of the panel. We should rather listen and, you know, talk about rights and all of those things because ultimately, the problem is that they will pose to us and to figure out that -- how things are going to happen.

The second is that we suggest that APRIGF or all of these kind of forums we should have a dedicated session on indigenous groups and culturally diverse people, and we not actually talk about them but talk with them.

Chat?

>> CHAT GARCIA: Yes, good, because everyone has actually said most of the things, no?

But just to say that I think the initial question you want to ask is that what else -- what we can do here. I have think this is, like, a great session in terms of just understanding the concepts. This is how we start.

We could then continue. I think one of the -- one of the -- just to -- to go back to what Sunil was saying, we here are looking at so many things, but if we understand it or talk about it in words or in experience -- lived experiences, where people understand, like, for example, the right to work, how is it changing labor? People understand that. How is it changing the way I -- I travel or my -- you know, the waif I commute, the way I -- all of that, I think services.

I think if you talk of that in these ways, and connect with that, I think it. Make it easier.

And, yeah, I just want to thank everyone, you know, it's really great to have a lot of people interested in this -- in this topic.

>> GAYATRI KHANDHADAI: Thank you. Thank you to the panelists for being here. We don't have to end this conversation. We just have to leave the room. So, you know, if you want to continue this conversation, please do. Just a reminder, the copies of this -- we only have a few left. It's at the back on the tables. Feel free to grab one.

Thank you.

>> Thanks.
(Applause).
(End of session)